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December 1, 2008

Thomasenia P. Duncan
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

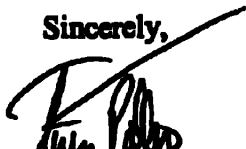
Re: McCain-Palin Victory 2008 Response in MUR 6095

Dear Ms. Duncan:

Please find enclosed an original and two copies of McCain-Palin Victory 2008's response to the complaint filed by Stephen Franks in Matter Under Review 6095. This response is filed jointly on behalf of the McCain-Palin Victory 2008 joint fundraising committee (Lisa Linker, Treasurer) and the joint fundraising participants (and their treasurers) that received notification of the complaint from the Commission: the Republican National Committee, Michigan Republican Party, Missouri Republican State Committee, Ohio Republican Party State Central & Executive Committee, and McCain-Palin Compliance Fund.

Should you have any questions concerning this response, please feel free to contact me.

Sincerely,


Trevor Potter

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COMMISSION
OFFICE OF GENERAL
COUNSEL
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COUNSEL

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**RESPONSE OF MCCAIN-PALIN VICTORY 2008* TO STEPHEN FRANKS'S
COMPLAINT IN MATTER UNDER REVIEW 6095**

INTRODUCTION

Stephen Franks recently filed a complaint that initiated the above-referenced Matter and asked the Federal Election Commission to "issue a Cease and Desist Order to the John McCain-Sara [sic] Palin Presidential and Vice Presidential campaign" and to "impound" and "sequester" contributions.¹ Unfortunately for Mr. Franks, these imaginary remedies are of no more substance than the federal-election law violations he alleges. Mr. Franks inaccurately claims that Senator John McCain, as a presidential candidate, could not make "any solicitation of funds from any sources" and that a direct-mail solicitation signed by Senator McCain was "misleading, deceptive, and fraudulent."² These incorrect and hazy assertions allow the McCain-Palin Victory 2008 joint fundraising committee only to guess which statutory or regulatory provisions it is accused of infringing. Despite Mr. Franks's vague and baseless contentions, McCain-Palin Victory 2008 responds here with clarity. The direct-mail solicitation at issue was entirely lawful because it satisfied obligations imposed on public-funds recipients (26 U.S.C. § 9001, et. seq.) and met sponsorship disclosure requirements (2 U.S.C. §§ 441d). The Federal Election Commission should therefore find no reason to believe that a violation occurred and should dismiss this Matter.

STATEMENT OF FACTS

McCain-Palin Victory 2008 ("MPV 2008") is a joint fundraising committee established under 11 C.F.R. § 102.17. It is comprised of six member committees: the Republican National Committee, Michigan Republican Party, Missouri Republican State Committee, Ohio Republican Party State Central & Executive Committee, Republican Federal Committee of Pennsylvania, and McCain-Palin Compliance Fund. The first five MPV 2008 members listed are Republican Party committees that supported the Republican Party's ticket of candidates during the 2007-2008 election cycle. McCain-Palin Compliance Fund is a legal and accounting compliance fund (a.k.a. GELAC account) established in conformity with 11 C.F.R. § 9003.3 and authorized by Senator John McCain, a participant in the presidential public funding system during the 2008 general election. Because McCain-Palin Compliance Fund—an authorized committee of Senator McCain and Governor Sarah Palin—is an MPV 2008 member, MPV 2008

* This response is filed jointly on behalf of the McCain-Palin Victory 2008 joint fundraising committee (Lisa Lisker, Treasurer) and the joint fundraising participants (and their treasurers) that received notification of the complaint from the Commission: the Republican National Committee, Michigan Republican Party, Missouri Republican State Committee, Ohio Republican Party State Central & Executive Committee, and McCain-Palin Compliance Fund. Unless otherwise specified, all references to "McCain-Palin Victory 2008" and "MPV 2008" include the above-named committees. This response's analysis relates to the joint fundraising participants' collective actions taken through McCain-Palin Victory 2008 joint fundraising committee.

¹ Complaint of Stephen F. Franks at 2.

² Complaint of Stephen F. Franks at 2

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was required to include "McCain-Palin" in its name when it registered as a joint fundraising committee with the Federal Election Commission ("Commission") in August 2008.³

On October 3, 2008, MPV 2008 sent a direct-mail solicitation (the "Solicitation") to Mr. Stephen F. Franks of Henderson, North Carolina.⁴ The Solicitation was comprised of: (1) a fundraising letter signed by then-presidential candidate Senator John McCain; and (2) a response form that sought personal information from contributors, described MPV 2008's contribution allocation formula, and directed contributors where to send contributions. Because Senator McCain signed the MPV 2008 fundraising letter, the letter's heading and signature block featured his name. The remainder of the letter described both the ticket-wide electoral activities of MPV 2008's five party-committee members and the purpose of the McCain-Palin Compliance Fund. The Solicitation featured all sponsorship, joint-fundraising, and compliance-fund disclaimers mandated by federal law. Contributions made in response to the Solicitation were collected by MPV 2008 and then disbursed to MPV 2008 members, as required by MPV 2008's joint fundraising agreement.

On October 7, 2008, Mr. Franks authored a two-page complaint that generated this Matter.

ARGUMENT

A. McCain-Palin Victory 2008's Solicitation was Consistent with Senator John McCain's Obligations under the Presidential Public Funding System

Contrary to Mr. Franks's suggestion, the Solicitation was compatible with the commitments that Senator McCain made as a condition of his general-election campaign committee, McCain-Palin 2008, receiving public funds. Mr. Franks contends that "[a]s a condition of accepting Federal funds to finance the general election campaign, Mr. McCain agreed to forgo any solicitation of funds from any sources."⁵ This is a misstatement of the law. Commission regulations contain specific restrictions on the *acceptance* of contributions by public-funding participants, but impose no constraints on the *solicitation* of contributions beyond those applicable to all federal candidates. To receive public funds during the general election, a major-party nominee must certify that:

[N]o contributions have been or will be accepted by the candidate or his or her authorized committees; except as contributions specifically solicited for, and deposited to, the candidate's legal and accounting compliance fund established under 11 CFR 9003.3(a)⁶

³ McCain-Palin Victory 2008 originally registered with the FEC under the name "McCain Leadership Committee." The committee's name was amended after Governor Sarah Palin was selected as Senator John McCain's vice-presidential running mate.

⁴ Attached hereto as Exhibit 1.

⁵ Complaint of Stephen F. Franks at 1.

⁶ 11 C.F.R. § 9003.2(a)(2). See also 26 U.S.C. § 9003(b)(2); 11 C.F.R. § 9003.1(b)(8).

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Senator McCain committed to comply with this provision and the Commission confirmed McCain-Palin 2008's eligibility to receive public funds on September 5, 2008.⁷

Consistent with Senator McCain's commitment, McCain-Palin 2008 never accepted any private contributions in violation of the foregoing provision. Contributions made in response to the Solicitation were collected by MPV 2008. They were then disbursed *only* to MPV 2008's five party-committee members and to McCain-Palin Compliance Fund (a legal and accounting compliance fund duly established under 11 CFR 9003.3(a)), as required by the Commission's joint fundraising regulations and by MPV 2008's joint fundraising agreement.⁸ Contributions were never disbursed to MPV 2008 non-members. Therefore, no contributions, other than those "specifically solicited for, and deposited to, the candidate's legal and accounting compliance fund," were accepted by Senator McCain or McCain-Palin 2008.

Despite this fact, Mr. Franks appears to grasp at three alternative theories in an attempt to show that the Solicitation breached Senator McCain's commitment under the public funding system: (1) contributions allocated to McCain-Palin Compliance Fund were not properly "solicited for . . . the candidate's legal and accounting compliance fund"; (2) contributions collected by MPV 2008 were constructively "accepted" by Senator McCain and McCain-Palin 2008 because MPV 2008's name contains the words "McCain-Palin"; (3) contributions collected by MPV 2008 were constructively "accepted" by Senator McCain and McCain-Palin 2008 because the Solicitation's text was McCain-centric. As is demonstrated below, all of these theories are groundless.

1. Senator McCain and McCain-Palin 2008 Did Not Impermissibly Accept Any Contributions Because Contributions Allocated to the McCain-Palin Compliance Fund Were Properly Solicited

Mr. Franks incorrectly implies that contributions allocated to McCain-Palin Compliance Fund were improperly solicited. His first claim is that an explanatory paragraph was "buried," supposedly in violation of Commission regulations that require solicitations for the Compliance Fund to:

[C]early state that Federal law prohibits private contributions from being used for the candidate's election and that contributions will be used solely for legal and accounting services to ensure compliance with Federal law⁹

In fact, the Solicitation's reply form featured *two* separate statements that satisfied this disclaimer requirement: "Contributions to the Compliance Fund will be used solely for legal and accounting services to ensure compliance with federal law and not for campaign activities."¹⁰

⁷ Fed. Election Comm'n, *Letter to Senator John McCain* (Sept. 5, 2008), attached hereto as Exhibit 2.

⁸ See generally 11 C.F.R. § 102.17

⁹ 11 C.F.R. § 9003.3(a)(1)(i)(A).

¹⁰ See Fed. Election Comm'n, *Public Financing of Presidential Primary and General Election Candidates*, 60 Fed. Reg. 31854, 31856 (June 16, 1995), available at http://www.fec.gov/law/cfr/ei_compilation/1995/1995-09>Title_26_Correction.pdf#page=4 (stating that "the final rules have been modified to require committees to tell contributors that federal election law prohibits the use of private contributions to pay a publicly-funded general election candidate's campaign expenses.").

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One of these statements appeared directly under the heading "What is the McCain-Palin Compliance Fund?" and preceded an explanation of permissible Compliance Fund expenditures.¹¹ The Solicitation's fundraising letter also prominently featured a full paragraph explaining that contributions to the Compliance Fund would "offset the McCain-Palin 2008 campaign's legal and accounting costs incurred during the campaign."¹² MPV 2008 undertook every possible effort to ensure that the Compliance Fund's purposes and activities were "clearly state[d]," as required by Commission regulations.

Mr. Franks next appears to allege that the Solicitation's election-related language was improper because part of the Solicitation's proceeds could have been allocated to the Compliance Fund. However, the Commission has never indicated that there are any content restrictions on GELAC solicitations, including any prohibition on express advocacy or other election-related language. In fact, the Commission expressly rejected the opportunity during a 1995 Rulemaking to prohibit election-related language in GELAC solicitations, noting that several witnesses "pointed out that effective fundraising necessarily involves setting forth what the candidate stands for."¹³ The Commission also did not object to several GELAC solicitations that contained election-related verbiage during its post-2004 audit of the Bush-Cheney '04 Compliance Committee.¹⁴ Relying on these factors, the Solicitation explained the importance of a Republican electoral victory in an effort to effectively fundraise for MPV 2008.

Because the Compliance Fund's purposes and activities were "clearly state[d]" under Commission regulations and because Commission precedent does not prohibit GELAC solicitations from containing election-related language, MPV 2008 contributions allocated to the Compliance Fund were properly "solicited for, and deposited to, [a] candidate's legal and accounting compliance fund" and consistent with Senator McCain's commitment under the presidential public funding system.

2. Senator McCain and McCain-Palin 2008 Did Not Impermissibly Accept Any Contributions Because McCain-Palin Victory 2008 Was Legally Required to Include "McCain-Palin" in Its Name

Mr. Franks appears to assert that the inclusion of "McCain-Palin" in MPV 2008's name caused Senator McCain and McCain-Palin 2008 to constructively "accept" a contribution when MPV 2008 collected funds.¹⁵ However, the Commission has repeatedly required joint fundraising committees that include a federal candidate's authorized committee, as did MPV 2008, to reference the candidate in its name. For example, when Virginia Victory 2008—a joint fundraising committee composed of Friends of Mark Warner, the Democratic Senatorial

¹¹ McCain-Palin Victory 2008 Solicitation, at 4, attached hereto as Exhibit 1. For authority concerning the permissibility of these GELAC expenditures, see 11 C.F.R. § 9003.3(a)(2); Fed. Election Commission Advisory Opinions 2007-09 and 2004-35.

¹² McCain-Palin Victory 2008 Solicitation, at 2, attached hereto as Exhibit 1.

¹³ Fed. Election Comm'n, *Public Financing of Presidential Primary and General Election Candidates*, 60 Fed. Reg. 31854, 31856 (June 16, 1995), available at http://www.fec.gov/law/cfr/sj_compilation/1995/1995-09>Title_26_Correction.pdf#page=4.

¹⁴ See, e.g., Bush-Cheney '04 Compliance Committee Fundraising Letter (Oct. 8, 2004), attached hereto as Exhibit 3.

¹⁵ Complaint of Stephen F. Franks at 1.

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Campaign Committee, and the Virginia Democratic Party—registered with the Commission, the Reports Analysis Division directed Virginia Victory 2008 to amend its Statement of Organization "by changing the name of your political committee to include the name of the candidate."¹⁶ Consistent with this Commission requirement, the joint fundraising committees that partnered with Senator John Kerry and Senator Barack Obama during the general-election period were called "Kerry-Edwards Victory 2004"¹⁷ and "Obama Victory Fund,"¹⁸ respectively. MPV 2008 was similarly obligated by law to include "McCain-Palin" in its name. MPV 2008 also endeavored to prevent any potential misunderstanding arising from its legally required name by placing on the Solicitation multiple, conspicuous statements about MPV 2008's composition and method for distributing contributions.¹⁹ The inclusion of "McCain-Palin" in "McCain-Palin Victory 2008" therefore does not indicate that MPV 2008's fundraising was the functional equivalent of contributions being "accepted" by Senator McCain and McCain-Palin 2008. MPV 2008's collection of funds was consistent with Senator McCain's commitment under the presidential public funding system.

3. Senator McCain and McCain-Palin 2008 Did Not Impermissibly Accept Any Contributions Because the Solicitation's Text Matched McCain-Palin Victory 2008 Members' Activities

Mr. Franks wrongly argues that Senator McCain requested money "for his election campaign" from Solicitation recipients. As evidence, Mr. Franks cites the appearance of Senator McCain's name on the Solicitation's letterhead and signature block. But those aspects of the letter's format were proper, since Senator McCain signed the letter.²⁰ The Solicitation plainly solicited contributions only for the MPV 2008 joint fundraising committee. Contributors were asked to make checks payable to "McCain-Palin Victory 2008," to submit contributions at "McCainPalinVictory2008.com/win", and to "rush [an] Emergency Campaign Contribution for \$5,000, \$1,000, \$500, \$250, or \$100 to McCain-Palin Victory 2008"²¹ Because the Solicitation asked for contributions to MPV 2008, its text appropriately spoke of MPV 2008 members' functions. A full paragraph and several corresponding statements accurately described the McCain-Palin Compliance Fund's purpose. The remainder of the Solicitation discussed the 2008 election in terms consistent with the ticket-wide electoral activities of MPV 2008's five party-committee members:

- "The Democrats are unprecedented in the amount of money they have already raised and spent . . .";
- "[O]ur Party is in for the toughest political battle we have ever faced . . .";

¹⁶ Fed. Election Comm'n, *Letter to Brian Caughell, Treasurer, Virginia Victory 2008* (Oct. 10, 2007), attached hereto as Exhibit 4. See also Fed. Election Comm'n, *Letter to Denise King, Treasurer, Upstate Grassroots Victory 2008* (Oct. 10, 2007), attached hereto as Exhibit 5.

¹⁷ See Kerry-Edwards Victory 2004 Fundraising Invitation, August 21, 2004, attached hereto as Exhibit 6.

¹⁸ Obama Victory Fund Statement of Organization, attached hereto as Exhibit 7.

¹⁹ 11 C.F.R. §§ 102.17(c)(2)(i)(A), 110.11(c)(2)(iv).

²⁰ This format follows party-committee solicitations used in past election cycles. See, e.g., Letter from Republican National Committee Signed by President George W. Bush (Aug. 20, 2004), attached hereto as Exhibit 8.

²¹ McCain-Palin Victory 2008 Solicitation, at 3, attached hereto as Exhibit 1. Similar statements can be found at the top of page 1 and in the middle of page 2.

- "The difference between me and our Republican candidates, and the Obama Democrats is unmistakable";
- "[T]he Obama Democrats and their special interest allies are willing to say and do anything to defeat me and all our Republican candidates";
- "I look forward to working with you in the days ahead as we battle to win the White House and races all across the country"; and
- "The only way we can defeat the Democrats' bid for the White House and complete control of our government . . . is with your immediate help."

These statements simply and accurately explained that MPV 2008's party-committee members would use the funds allocated to them to support the entire Republican slate of candidates. No language indicated that contributions would go specifically to support Senator McCain's candidacy or to McCain-Palin 2008. Accordingly, there is no basis for concluding that the Solicitation's text caused Senator McCain and McCain-Palin 2008 to unlawfully "accept" any contributions in violation of Senator McCain's commitment under the presidential public funding system.

B. McCain-Palin Victory 2008's Solicitation Complied with Sponsorship Disclosure Requirements under Federal Law

The Solicitation did not mislead, deceive, or defraud recipients into believing they were "contributing to the McCain-Palin Presidential-Vice Presidential Campaign," as Mr. Franks claims because MPV 2008 complied with federal disclosure requirements.²² To stop individuals and groups who fraudulently obtained funds by intentionally "posing as political committees and candidates,"²³ Congress enacted 2 U.S.C. § 441h(b), which prohibits any person from "fraudulently misrepresent[ing] the person as speaking, writing, or otherwise acting for or on behalf of any candidate or political party . . . for the purpose of soliciting contributions or donations."²⁴ In a previous Statement of Reasons, the Commission concluded that an effective disclaimer "negates the requisite intent to deceive element of fraudulent misrepresentation since the disclaimer discloses the source of the mailing."²⁵ In light of the foregoing, Section 441h is not violated where, as here, a communication features a disclaimer that is proper under the Federal Election Campaign Act of 1971, as amended ("FECA").

The Solicitation never purported to be anything but an MPV 2008 fundraising letter signed by Senator McCain and an accompanying response form. As is discussed above, the

²² Complaint of Stephen F. Franks at 2.

²³ 147 CONG. REC. S3122 (daily ed. Mar. 29, 2001) (Statement of Sen. Nelson); Fed. Election Comm'n, *Annual Report* for 2001 at 39. See e.g., Fed. Election Comm'n, First General Counsel MURs 5384 and 5385, at 16 (2004), available at <http://eas.nictusa.com/easdocs/0000526E.pdf>; Fed. Election Comm'n, First General Counsel MURs 5443, 5495, and 5505 (2004), available at <http://eas.nictusa.com/easdocs/00005504.pdf>.

²⁴ 2 U.S.C. § 441h(b)(2). See also Fed. Election Comm'n, First General Counsel's Report, MUR 4735, at 3 (1999), available at <http://eas.nictusa.com/easdocs/00000182.pdf>.

²⁵ Fed. Election Comm'n, *Statement of Reasons for Commissioner Weintraub, McDonald, Thomas, and Toner* in MUR 5089 at 2 (2004), available at <http://eas.nictusa.com/easdocs/00000E91.pdf>. See also Fed. Election Comm'n MURs 3700 and 3690. These MURs pertained to 2 U.S.C. 441h(a)(1), a "sister" provision to 441h(b)(1) that also contains the phrase "fraudulently misrepresent the person as speaking, writing, or otherwise acting for or on behalf of any candidate or political party or employee or agent thereof."

Solicitation repeatedly indicated MPV 2008 members' support for the entire Republican ticket, with phrases such as "our Party is in for the toughest political battle we have ever faced" and ". . . we battle to win the White House and races all across the country." Contributors were instructed to write checks to "McCain-Palin Victory 2008" or to submit donations online at "McCainPalinVictory2008.com/win." Moreover, the Solicitation bore the following disclaimer:

Paid for by McCain-Palin Victory 2008

A joint fundraising committee by and composed of the Republican National Committee, the Michigan Republican Party, the Missouri Republican State Committee, the Ohio Republican Party State Central & Executive Committee, the Republican Federal Committee of Pennsylvania, and McCain-Palin Compliance Fund.

FECA and Commission regulations required the disclaimer to only appear on one page of the Solicitation, but, out of an abundance of caution, MPV 2008 placed the disclaimer on the front page of the Solicitation's fundraising letter *and* on the reply form in an extra effort to inform potential contributors.²⁶ The disclaimers were presented in the required "clear and conspicuous manner" because the disclaimers' black text appeared against a white background, fell entirely within printed boxes set apart from the Solicitation's other content, and featured clearly readable type sizes.²⁷ In addition, the Solicitation's reply form included a "joint fundraising notice" that explained how MPV 2008 would apportion contributions given in response to the Solicitation.²⁸ The Solicitation's text and its FECA-compliant disclaimers "negate[] the requisite intent to deceive element of fraudulent misrepresentation." The Solicitation therefore did not violate Section 441h and was in no way "misleading, deceptive, and fraudulent."

CONCLUSION

Just as the Commission has no authority to grant Mr. Franks's request to "issue a Cease and Desist Order" and "sequester funds," it has no grounds here to conclude that McCain-Palin Victory 2008 violated federal law. The Solicitation was wholly consistent with Senator McCain's obligations under the presidential public funding system because Senator McCain and McCain-Palin 2008 never impermissibly accepted any contributions. The Solicitation was not "misleading, deceptive, and fraudulent" because it complied with sponsorship disclosure requirements under federal law. For all of the foregoing reasons, the Commission should find no reason to believe that a violation occurred and should dismiss this Matter.

Respectfully Submitted,

Trevor Potter

²⁶ 2 U.S.C. § 441d; 11 C.F.R. §§ 102.17(c)(2)(i)(A), 110.11(c)(2)(iv).

²⁷ 11 C.F.R. § 110.11(c)(2).

²⁸ 11 C.F.R. § 102.17(c)(2).

EXHIBIT 1

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JOHN MCCAIN

Mr. Stephen F. Franks

Hendersonville, NC 28739

Dear Mr. Franks,

I have never been one to mince words, so I'll get right to the point.

If you are at all concerned about the prospect of the Democrats gaining total control of the federal government, then your help is needed right now.

To stay competitive and ultimately win this election we must raise \$10 million by October 13th. That is an enormous challenge. And we cannot do it alone – we must have your help to meet that goal.

That is why I hope you will use the enclosed pre-paid, pre-addressed Federal Express Envelope and rush an Emergency Contribution of \$5,000, \$1,000, \$500, \$250 or \$100 to the McCain-Palin Victory 2008 as soon as you possibly can.

Let me tell you why your support is so urgent.

The Democrats are unprecedented in the amount of money they have already raised and spent, in the number of TV ads they are running, and in the amount of unquestioning media coverage they are receiving.

And that doesn't even scratch the surface of the amount of liberal special interest spending that is being done on their behalf by organizations like MoveOn.org and the Big Labor Union AFSCME.

While there is no doubt that our Party is in for the toughest political battle we have ever faced, I know we can win. We defied greater odds before, and we are in strong position now.

Our challenge is clear. We must make this campaign about the issues. We must get the voters to break through the smokescreen of the Obama Democrats empty rhetoric and focus on the reality of their tax-and-spend domestic plans and irresponsible foreign policy.

The difference between me and our Republican candidates, and the Obama Democrats is unmistakable. If we lose the presidency we could be facing one of the most radical and extreme shifts in the direction of our nation in American history. And if Democrats also retain control of Congress, they would control the entire federal government and would be unstoppable.

As we have already witnessed, the Obama Democrats and their special interest allies are willing to say and do anything to defeat me and all our Republican candidates.

(Next page, please)

PO Box 7805 ★ Merrifield, VA 22116

Paid for by McCain-Palin Victory 2008

A joint fundraising committee by and composed of the Republican National Committee, the Michigan Republican Party, the Missouri Republican State Committee, the Ohio Republican Party State Central & Executive Committee, the Republican Federal Committee of Pennsylvania, and McCain-Palin Compliance Fund.

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But I have absolute conviction that – with your help – we will win this pivotal election.

And we must.

Americans do not want higher taxes – the Obama Democrats do. Americans don't want to hand a victory to al Qaeda – the Obama Democrats do. Americans don't want higher gas prices – but the Obama Democrats are ignoring the problem.

We need to make sure that the voters know that this is how Senator Barack Obama and the Democrats want to change America.

And they will, if you send \$5,000, \$1,000, \$500, \$250 or \$100 to the McCain-Palin Victory 2008 in the enclosed Federal Express Overnight Envelope. With your support we will have the resources to battle back and continue to take our message to America's voters.

The McCain-Palin Victory 2008 also includes the McCain-Palin Compliance Fund, to which the federal election laws permit you to contribute up to \$2,300 to help offset the McCain-Palin 2008 campaign's legal and accounting costs incurred during the campaign. This money will also be used so the campaign doesn't have to pay legal and accounting costs from the general campaign account, which means more money for "get-out-the-vote" mailers, yard signs, bumper stickers and advertising in battleground states.

I have often said that each and every one of us has a duty to serve a cause greater than our own self-interest. Our cause in this election is great. The outcome will set a course that will touch the lives of hundreds of millions of Americans. It will either set us on a path to greater freedom, prosperity and peace, or it will detour us into a wilderness of big government babysitting, strangling taxes, and a dangerously naïve foreign policy.

Mr. Franks, please respond by October 13th. I look forward to working with you in the days ahead as we battle to win the White House and races all across the country.

Sincerely,



John McCain

P.S. Mr. Franks, I need you to stand with me. The next 10 days are extremely critical. Whatever you can afford to send – please send it today. The only way we can defeat the Democrats bid for the White House and complete control of our government, and effectively challenge the most massive fundraising machine in campaign history is with your immediate help. Please rush your Emergency Campaign Contribution for \$5,000, \$1,000, \$500 \$250 or \$100 to McCain-Palin Victory 2008 by placing it in the enclosed pre-paid, pre-addressed Federal Express Overnight Envelope and calling 1-800-238-5355 for a free pick-up today. Thank you!

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McCain-PALIN VICTORY 2008

EMERGENCY CAMPAIGN REPLY

Mr. Stephen F. Franks

Hendersonville, NC 28739

**Please Return
IMMEDIATELY
In the Pre-Paid
Envelope Provided**

Dear John,

- ☐ I am proud to stand with you as the Obama Democrats and their wealthy liberal backers focus their attacks squarely on defeating you and all our Republican candidates. I want to do all I can to help stop the Democrats from seizing control of the White House and the entire federal government and implementing their radically liberal policies for our nation.
- ☐ I am sending the following contribution to ensure we meet our goal of raising \$10 million in the next 10 days to ensure we get out our message and win a resounding victory for America on November 4th.

<input type="checkbox"/> \$5,000	<input type="checkbox"/> \$2,500	<input type="checkbox"/> \$1,000	<input type="checkbox"/> \$500
<input type="checkbox"/> \$250	<input type="checkbox"/> \$100	<input type="checkbox"/> \$_____	Other

Please make checks payable to: McCain-Palin Victory 2008

See reverse to fill out important additional information and for credit card contributions.

**You can also make your contribution online by going to
McCainPalinVictory2008.com/win or by calling 1-888-588-8882.**

INSTRUCTIONS FOR MAILING:

1. Make your check payable to: McCain-Palin Victory 2008.
2. Enclose your check in the pre-paid envelope and return by October 13th.
3. Call Federal Express toll-free at 1-800-238-5355 to arrange for a pick-up.
(You do not need to be present for pick-up. Ask Federal Express for details.)

MVP2036
89122009

PO Box 7805 ★ Merrifield, VA 22116

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Contribution Options:

- ☐ Enclosed personal check payable to: McCain-Palin Victory 2008.
☐ Charge my personal contribution to the credit card below:

Type of credit card: ☐ ☐ ☐ ☐

Credit card number:

Exp. date:

Name as it appears on card:

Amount: \$

Signature:

Date:

- ☐ My signature above verifies this contribution to McCain-Palin Victory 2008 represents my personal funds and is not drawn on an account maintained by an incorporated entity or other prohibited source.

Contributions to McCain-Palin Victory 2008 ("Victory 2008") are not deductible as charitable contributions for federal income tax purposes. Victory 2008 allocates contributions to the Republican National Committee ("RNC"), the state parties' federal accounts, and the McCain-Palin Compliance Fund ("Compliance Fund") in conformity with federal law. Unless a contribution would exceed federal limits or a contributor designates otherwise, Victory 2008 will divide contributions as follows:

- For individuals - The first \$28,500 will go to the RNC, the next portion will be divided evenly between the Michigan, Missouri, Ohio, and Pennsylvania state parties' federal accounts up to a maximum of \$9,230 for each Committee, and the final \$2,300 will go to the Compliance Fund.
- For Federal Memberstate PACs - The first \$15,000 will go to the RNC, the next portion will be divided evenly between the Michigan, Missouri, Ohio, and Pennsylvania state parties' federal accounts up to a maximum of \$5,000 for each Committee, and the final \$5,000 will go to the Compliance Fund.

Contributions to the Compliance Fund will be used solely for legal and accounting services to ensure compliance with federal law and not for campaign activities. Compliance funds may defray a portion of broadcast advertising, national and state office "overhead," and computer/vehicle expenses. Contributions from corporations, labor unions, federal contractors, and foreign nationals without permanent residency status to Victory 2008 are prohibited. Federal law requires us to report the name, address, occupation, and employer of any contributor who gives more than \$200 in an election cycle (for Compliance Fund contributions) or more than \$200 in a calendar year (for RNC and state-party contributions).

Occupation:

Employer:

Full Name:

Contributor Signature:

Your Address:

Spouse's Name (if joint contribution):

Spouse's Signature:

Spouse's Occupation (if joint contribution):

Spouse's Employer:

Spouse's Address:

- ☐ Check here if self-employed.

May we also request your:

Home Phone:

Work Phone:

Bealt:

What is the McCain-Palin Compliance Fund?

Contributions to the McCain-Palin Compliance Fund will be used solely for legal and accounting services to ensure compliance with federal law and not for campaign activities. Compliance Fund contributions may be used to pay for:

- Broadcast advertising (up to 5 percent);
- National and state office "overhead" expenses (payroll, utilities, etc.);
- Computer/vehicle equipment and maintenance;
- Voting systems; and
- Other federal election law legal and accounting activities.

If these costs are not paid from the Compliance Fund, the McCain Campaign must use linked funds from the general-election campaign account for all of these expenses. Compliance Fund contributions are useful because they preserve 100% of campaign funds for media, mail, phone, and get-out-the-vote programs.

Paid for by McCain-Palin Victory 2008

A joint fundraising committee by and composed of the Republican National Committee, the Michigan Republican Party, the Missouri Republican State Committee, the Ohio Republican Party State Central & Executive Committee, the Republican Federal Committee of Pennsylvania, and the McCain-Palin Compliance Fund.

29044250543

EXHIBIT 2

EXHIBIT 3

29044250545

EXHIBIT 4



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20543

RQ-1

October 10, 2007

Brian Coughell, Treasurer
Virginia Victory 2008
120 Maryland Ave NE
Washington, DC 20002

Response Due Date:
November 9, 2007

Identification Number: C00439257

Reference: Statement of Organization, received 10/1/07

Dear Treasurer:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. Failure to adequately respond by the response date noted above could result in an audit or enforcement action. Additional information is needed for the following item:

-Line 6 of your Statement of Organization indicates that your committee is a joint fundraising committee authorized by a federal candidate; however, you have not included the name of the candidate in the name of your committee. According to 11 CFR § 102.14(a), the name of each authorized committee shall include the name of the candidate who authorized such committee. Please amend your Statement of Organization by changing the name of your political committee to include the name of the candidate

Please note, you will not receive an additional notice from the Commission on this matter. Adequate responses must be received by the Commission on or before the due date noted above to be taken into consideration in determining whether audit action will be initiated. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action. Requests for extensions of time in which to respond will not be considered.

Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. If you should have any questions regarding this matter or wish to verify the adequacy of your response, please

29044250547
27039534342

contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1139.

Sincerely,

Nicole DellaRocco

Nicole Della Rocco
Campaign Finance Analyst
Reports Analysis Division

303

29044250548
27038534543

EXHIBIT 5

29044250549



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-1

August 27, 2008

Denise King, Treasurer
Upstate Grassroots Victory 2008
1341 G St NW, Suite 740
Washington, DC 20005

Response Due Date:
September 29, 2008

Identification Number: C00453910

Reference: Statement of Organization, received 8/13/08

Dear Treasurer:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. Failure to adequately respond by the response date noted above could result in an audit or enforcement action. Additional information is needed for the following item:

-Line 5(g) of your Statement of Organization indicates that your committee is a joint fundraising committee authorized by a federal candidate; however, you have not included the name of the candidate in the name of your committee. According to 11 CFR §102.14(a), the name of each authorized committee shall include the name of the candidate who authorized each committee. Please amend your Statement of Organization by changing the name of your political committee to include the name of the candidate.

Please note, you will not receive an additional notice from the Commission on this matter. Adequate responses must be received by the Commission on or before the due date noted above to be taken into consideration in determining whether audit action will be initiated. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action. Requests for extensions of time in which to respond will not be considered.

Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. If you should have any questions regarding this matter or wish to verify the adequacy of your response, please

2803982109944250550

contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1162.

Sincerely,



David Butler
Campaign Finance Analyst
Reports Analysis Division

313

280398213904250551

EXHIBIT 6

29044250552

John Kerry

AND

WITH A SPECIAL PERFORMANCE BY

IN HONOR OF JOHN KERRY AND JOHN EDWARDS, THE NEXT PRESIDENT AND VICE-PRESIDENT OF THE UNITED STATES

5:00 PM - 7:30 PM

AT THE PATRICOF RESIDENCE

63 HUNTING LANE, EAST HAMPTON

MINIMUM CONTRIBUTION OF \$1,000

will be invited to a private reception with John Kerry and Teresa Heinz Kerry

To RSVP or to join the Host Committee, please complete the attached Response Form.

HOST COMMITTEE (INFORMATION)

**Elizabeth & Felix Rohatyn
Janet & Marvin S. Rosen
Jane Rosenthal
Laura & Jim Ross
Laurie & Peter Rothenberg
Rachin Rubin & Jeff Rose
Jennifer Ryan Sabel
Laurie Giddins & David Schiff
Nancy Schuman
Lyn & Sam Schwab
Deanna Schwarz
Sydney & Stanley S. Shuman
Barbara Lee Diamonstein &
Carl Spielvogel
Dennis C. Stanton
Antonia Stolper & Bob Fortik
Eve Stuart
Andy Tobias & Charles Nolan
Bronson Van Wyck
Maureen White &
Steve Rattner
Robert P. Zimmerman**

Paid for by Kerry-Edwards Victory 2004, a joint fundraising committee authorized by DNC Services Corporation/Democratic National Committee and Kerry-Edwards 2004 General Election Legal and Accounting Compliance Fund.

Kerry Edwards

Victory 2004

RESPONSE FORM: JOHN KERRY IN THE HAMPTONS, AUGUST 21

☐ Yes, I/We will attend on August 21. Enclosed is my/our contribution of \$_____.

Names of attendees: _____

☐ Yes, I/We will join the Host Committee as a: ☐ **CO-CHAIR** (raise and/or contribute \$25,000)

☐ **HOST** (raise and/or contribute \$10,000)

☐ No, I cannot attend, but wish to support Kerry-Edwards Victory 2004 by contributing \$_____.

Federal law requires us to use our best efforts to collect and report the name, mailing address, occupation and name of employer of individuals whose contributions exceed \$200 in an election cycle.

Contributor Name _____

E-Mail _____ Fax _____

Phone (H) _____ Phone (W) _____

Home Address _____

City _____ State _____ Zip _____

Employer _____ Occupation _____

If you were invited by a member of the Host Committee, please provide his/her name: _____

Federal law prohibits foreign nationals, except lawfully admitted permanent residents of the U.S., from contributing to Kerry-Edwards Victory 2004.

REQUIRED: Please certify the following information by checking one of the following and signing below:

☐ I am a citizen of the United States (or) ☐ I am a lawfully admitted permanent resident of the United States.

Signature _____ Name (print) _____

To contribute by a PERSONAL check, please make your contribution payable to Kerry-Edwards Victory 2004 and mail with completed form to the address below.

To contribute by a PERSONAL credit card, please provide the information below. Credit card contributions may be faxed to (212) 202-3757 or mailed to the address below.

Contribution Amount: \$_____ Credit card type (circle one): Visa / MasterCard / AMEX

Credit Card Number: _____ Exp. Date: _____

Name of Cardholder: _____ Signature: _____

Please mail contribution with completed form to:

Kerry-Edwards Victory 2004, 1560 Broadway, Suite 900, New York, NY 10036

Or fax completed form to (212) 202-3757

Individuals may contribute up to \$27,000 to Kerry-Edwards Victory 2004. Spouses may each contribute under a separate \$27,000 limit. Contributions from corporations and labor unions are prohibited. Contributions in the name of another, from foreign nationals, or from government contractors are prohibited. Kerry-Edwards Victory 2004 does not accept contributions from political action committees (PACs).

Contributions and gifts to Kerry-Edwards Victory 2004 are not deductible for federal income tax purposes.

The first \$25,000 of each contribution from a person will be allocated to DNC Services Corporation/Democratic National Committee. The next \$2,000 of each contribution from a person will be allocated to Kerry-Edwards 2004 General Election Legal and Accounting Compliance Fund. Any contributor may designate his or her contribution for a particular participant. The allocation formula above may change if any contributor makes a contribution that, when allocated, would exceed the amount that the contributor may lawfully give to any participant. Contributions to the Kerry-Edwards 2004 General Election Legal and Accounting Compliance Fund will be used solely for legal and accounting services to ensure compliance with Federal law. Federal law prohibits private contributions to the candidates' general election account.

**Paid for by Kerry-Edwards Victory 2004, a joint fundraising committee authorized by
DNC Services Corporation/Democratic National Committee and
Kerry-Edwards 2004 General Election Legal and Accounting Compliance Fund.**

Agent/Host Name: _____

29044250554

EXHIBIT 7

FEC
FORM 1

STATEMENT OF
ORGANIZATION

RECEIVED
FEC MAIL CENTER
2008 JUN 10 AM 8:03

Office Use Only

1. NAME OF
COMMITTEE (in full)



(Check if name
is changed)

Example: If typing, type
over the lines.

1272415

Obama Victory Fund

ADDRESS (number and street)

430 South Capitol Street, SE



(Check if address
is changed)

Washington

DC

20003

CITY

STATE

ZIP CODE

COMMITTEE'S E-MAIL ADDRESS

marahall@ohg.org

COMMITTEE'S WEB PAGE ADDRESS (URL)

www.ohg.org

COMMITTEE'S FAX NUMBER

202 - 863 - 8174

2. DATE

06

05

2008

3. FEC IDENTIFICATION NUMBER

C

4. IS THIS STATEMENT



NEW (N)

OR



AMENDED (A)

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

Andrew Tobias

Signature of Treasurer

Andrew Tobias

Date

06

06

2008

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. 9509.

ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

Office
Use
Only

For further information contact:
Federal Election Commission
Toll Free 800-424-9595
Local 202-694-1100

FEC FORM 1
(Revised 12/2007)

20044250556
28038743678

EXHIBIT 8

29044250557

**PRESIDENT
GEORGE W. BUSH**

August 20, 2004

Dear Mr. Weaver,

There are a little less than 70 days until the historic 2004 elections. The campaigns are hitting full swing.

Your generous support of the Republican Party is helping to promote our candidates and compassionate conservative agenda. I am grateful for all you have done.

Republicans have accomplished a great deal on behalf of the American people over the past four years. We have an opportunity to build on that progress by winning nationwide Republican victories on November 2nd.

Four years ago, our economy was headed into recession and the stock market was in decline. So Republicans passed historic tax relief for families and small businesses. Because we acted, our economy has been growing at the fastest rate in nearly 20 years.

Four years ago, the security of the American homeland was in great danger, but our government was not organized to meet the new threat. On a September morning in 2001, the world changed. Since that time, we transformed our defenses and created the Department of Homeland Security. We have rallied the world to pursue terrorists abroad and strengthened our laws to act against terrorists at home.

Four years ago, too many public schools were stuck in a cycle of mediocrity and excuse making — with children often shuffled grade to grade, year after year. So Republicans insisted on higher standards, accountability and local control of the schools. Now children across America are showing progress in reading and math.

In each of these areas, we are keeping our promises and doing our duty. Because of our actions, our economy is stronger, our schools are better and our country is safer.

Our opponents look at all this progress, and somehow conclude that the sky is falling. Democrats propose higher taxes, more federal spending and economic isolationism. Mr. Weaver, that's the surest way to end economic growth and put Americans out of work.

This nation is on a rising path, and with four more years of Republican leadership, we will achieve more growth, new and higher paying jobs and greater opportunity for all our citizens.

(Next page, please)

PAID FOR BY THE REPUBLICAN NATIONAL COMMITTEE • 310 FIRST STREET, S.E. • WASHINGTON, D.C. 20003
AUTHORIZED BY GEORGE W. BUSH.

NOT PRINTED AT TAXPAYERS' EXPENSE • WWW.GOP.COM

29044250558

Page Two

The broad agenda Republicans will carry into the fall campaign comes from a basic conviction: Government should never try to control or dominate the lives of our citizens. Yet government should help citizens gain the tools to make their own choices and improve their own lives.

The Democrats have a very different agenda. Our opponents have proposed nearly two trillion dollars in additional federal spending. They are for raising taxes and oppose reforms that limit the power of Washington and place trust in the individual.

Democrats continue to hold on to the old Washington mindset -- they'll give the orders and you'll pay the bills.

We've got news for them, Mr. Weaver, this is a new Washington. America has gone beyond the Democrats' way of thinking, and we're not going back.

Republicans have a strong, optimistic agenda for the next four years that makes America safer by pursuing the War on Terrorism and protecting the homeland. An agenda that strengthens the economy and creates new jobs. An agenda that makes it possible for more Americans to own a home, health and retirement plans and, if they want, their own business. An agenda that sets high standards and requires results in schools so every child can read and no child is left behind.

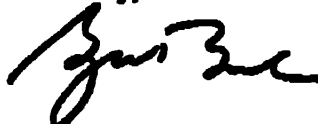
Spreading this positive vision is the key to Republican success. But we must contend with hundreds of millions of dollars in negative, misleading ads liberal special interests continue to run against our Party. The Democrats can also count on the backing of some of the big labor unions and personal injury trial lawyers to fund their attacks.

That is why I need your help. It is crucial Americans know what our Party has accomplished over the past four years -- and what we propose to achieve in the next four.

I hope you will help the Republican National Committee get our message for the future directly to the voters by making a special contribution of \$500, \$375 or \$250 to RNC Victory 2004 today. RNC Victory 2004 is the driving force behind our Party's efforts for sweeping GOP victories on November 2nd.

As a long-time friend and supporter, you have come through for our Party and candidates before. Please lend your support again today. Thank you.

Sincerely,



George W. Bush

P.S. Mr. Weaver, costs for running ads on television continue to rise each election. Please use the enclosed envelope to return your contribution of \$500, \$375 or \$250 to RNC Victory 2004 today. Your contribution will help fund the largest Republican advertising campaign in our Party's history. Thank you.

29044250559